

AMENDED IN SENATE MAY 31, 2005

AMENDED IN SENATE MAY 2, 2005

AMENDED IN SENATE APRIL 19, 2005

AMENDED IN SENATE MARCH 30, 2005

## SENATE BILL

**No. 506**

**Introduced by Senator Poochigian  
(Coauthor: Senator Dunn)**

February 18, 2005

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An act to amend ~~Sections 2166.5 and 2194 of~~ *Section 2194 of*, and to add *Section 2166.7* to, the Elections Code, and to amend *Section 6254.24* of the Government Code, relating to public officials.

### LEGISLATIVE COUNSEL'S DIGEST

SB 506, as amended, Poochigian. Public officials.

Existing law provides, until January 1, 2008, that participants in the "Address Confidentiality for Victims of Domestic Violence and Stalking" program and the "Address Confidentiality for Reproductive Health Care ~~Services~~ *Service* Providers, Employees, Volunteers, and Patients" program and who complete an application containing specified information in person at a community-based victims' assistance program may have certain personal information, including the program participant's voter registration, remain confidential and not disclosed to the public.

This bill would *authorize a local elections official in his or her discretion to* extend this confidentiality of voter registration information to specified public safety officials ~~if his or her employer certifies that he or she is a specified public safety official. The bill would require that the employer of a public safety official who is a~~

~~program participant provide written notification when the participant is no longer an employee and that the certification of a program participant who is a public safety official shall terminate no later than two years after commencement unless the participant notifies the county elections official of his or her intent to continue participation and provides a new certification from his or her employer. The bill would require the Secretary of State to design a form to certify the employment of public safety officials. The bill would require the Secretary of State to design a form to certify the employment of public safety officials.~~

Existing law prohibits a state or local agency from posting on the Internet the home address or telephone number of any elected or appointed official. It also prohibits, and makes punishable as a misdemeanor or felony, as specified, any person from knowingly posting this information or that of the official's residing spouse or child on the Internet knowing that person is an elected or appointed official and intending to cause imminent bodily harm to that individual. For this purpose, an elected or appointed official is variously defined and includes specified public safety officials, as separately defined.

This bill would add to the definition of public safety officials state and federal judges and court commissioners. By expanding an existing crime, this bill would impose a state-mandated local program.

This bill would make technical and conforming changes to existing law.

~~By imposing additional duties on local elections officials, this bill imposes a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.~~

~~With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.*

*Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Section 2166.5 of the Elections Code is~~  
2     ~~amended to read:~~  
3     ~~2166.5. (a) Any person filing with the county elections~~  
4     ~~official a new affidavit of registration or reregistration may have~~  
5     ~~the information relating to his or her residence address, telephone~~  
6     ~~number, and e-mail address appearing on the affidavit, or any list~~  
7     ~~or roster or index prepared therefrom, declared confidential upon~~  
8     ~~presentation of certification that the person is a participant in the~~  
9     ~~Address Confidentiality for Victims of Domestic Violence and~~  
10    ~~Stalking program pursuant to Chapter 3.1 (commencing with~~  
11    ~~Section 6205) of Division 7 of Title 1 of the Government Code, a~~  
12    ~~participant in the Address Confidentiality for Reproductive~~  
13    ~~Health Care Service Providers, Employees, Volunteers, and~~  
14    ~~Patients program pursuant to Chapter 3.2 (commencing with~~  
15    ~~Section 6215) of that division, or certification by the employer of~~  
16    ~~a public safety official that the person is a public safety official~~  
17    ~~as defined by subdivision (a), (d), (e), (f), or (j), of Section~~  
18    ~~6254.24 of the Government Code.~~  
19    ~~(b) Any person granted confidentiality under subdivision (a)~~  
20    ~~shall:~~  
21    ~~(1) Be considered an absent voter for all subsequent elections~~  
22    ~~or until the county elections official is notified otherwise by the~~  
23    ~~Secretary of State or in writing by the voter. A voter requesting~~  
24    ~~termination of absent voter status thereby consents to placement~~  
25    ~~of his or her residence address, telephone number, and e-mail~~  
26    ~~address in the roster of voters.~~  
27    ~~(2) In addition to the required residence address, provide a~~  
28    ~~valid mailing address to be used in place of the residence address~~  
29    ~~for election, scholarly, or political research, and government~~  
30    ~~purposes. The elections official, in producing any list, roster, or~~

1 index, shall use the valid mailing address in place of the  
2 residence address.

3 (c) No action in negligence may be maintained against any  
4 government entity or officer or employee thereof as a result of  
5 disclosure of the information that is the subject of this section  
6 unless by a showing of gross negligence or willfulness.

7 (d) Subdivisions (a) and (b) shall not apply to any person  
8 granted confidentiality upon receipt by the county elections  
9 official of a written notice by the address confidentiality program  
10 manager of the withdrawal, invalidation, expiration, or  
11 termination of the program participant's certification, or upon  
12 written notification by the employer of a public safety official  
13 that the person is no longer a public safety official as defined by  
14 subdivision (a), (d), (e), (f), or (j), of Section 6254.24 of the  
15 Government Code. The employer of a public safety official who  
16 is a program participant shall provide written notification when  
17 the participant is no longer an employee as defined in subdivision  
18 (a), (d), (e), (f), or (j) of Section 6254.24 of the Government  
19 Code. The certification of a program participant who is a public  
20 safety official as defined by subdivision (a), (d), (e), (f), or (j) of  
21 Section 6254.24 of the Government Code, shall terminate no  
22 later than two years after commencement unless the participant  
23 notifies the county elections official of his or her intent to  
24 continue participation and provides a new certification from his  
25 or her employer.

26 (e) The Secretary of State shall design a form to certify the  
27 employment of public safety officials pursuant to subdivision (a).

28 (f) This section shall remain in effect only until January 1,  
29 2008, and as of that date is repealed, unless a later enacted  
30 statute, that is enacted before January 1, 2008, deletes or extends  
31 that date.

32 *SECTION 1. Section 2166.7 is added to the Elections Code,*  
33 *to read:*

34 *2166.7. (a) A county elections official may, upon application*  
35 *of a public safety officer, make confidential that officer's*  
36 *residence address, telephone number, and e-mail address*  
37 *appearing on the affidavit of registration.*

38 *(b) Any person granted confidentiality under subdivision (a)*  
39 *shall:*

(1) *Be considered an absent voter for all subsequent elections or until the county elections official is notified otherwise by the Secretary of State or in writing by the voter. A voter requesting termination of absent voter status thereby consents to placement of his or her residence address, telephone number, and e-mail address in the roster of voters.*

(2) *In addition to the required residence address, provide a valid mailing address to be used in place of the residence address for election, scholarly, or political research, and government purposes. The elections official, in producing any list, roster, or index may, at his or her choice, use the valid mailing address or the word “confidential” or some similar designation in place of the residence address.*

(c) *No action in negligence may be maintained against any government entity or officer or employee thereof as a result of disclosure of the information that is the subject of this section unless by a showing of gross negligence or willfulness.*

(d) *“A public safety officer” has the same meaning as defined in subdivision (a), (d), (e), (f), or (j) of Section 6254.24 of the Government Code.*

(e) *The county elections official may, in his or her discretion, determine the sufficiency of any certification presented by the applicant public safety officer.*

SEC. 2. Section 2194 of the Elections Code is amended to read:

2194. (a) The voter registration card information identified in subdivision (a) of Section 6254.4 of the Government Code:

(1) *Shall be confidential and shall not appear on any computer terminal, list, affidavit, duplicate affidavit, or other medium routinely available to the public at the county elections official’s office.*

(2) *Shall be provided with respect to any voter, subject to the provisions of Sections 2166.5, 2166.7, and 2188, to any candidate for federal, state, or local office, to any committee for or against any initiative or referendum measure for which legal publication is made, and to any person for election, scholarly, journalistic, or political purposes, or for governmental purposes, as determined by the Secretary of State.*

(b) *Notwithstanding any other provision of law, the California driver’s license number, the California identification card*

1 number, the social security number, and any other unique  
2 identifier used by the State of California for purposes of voter  
3 identification shown on a voter registration card of a registered  
4 voter, or added to voter registration records to comply with the  
5 requirements of the Help America Vote Act of 2002 (42 U.S.C.  
6 15301 et seq.), are confidential and shall not be disclosed to any  
7 person.

8 (c) The home address of any voter shall be released whenever  
9 the person's vote is challenged pursuant to Sections 15105 to  
10 15108, inclusive, or 14240 to 14253, inclusive. The address shall  
11 be released only to the challenger, to elections officials, and to  
12 other persons as necessary to make, defend against, or adjudicate  
13 the challenge.

14 (d) A governmental entity, or officer or employee thereof,  
15 shall not be held civilly liable as a result of disclosure of the  
16 information referred to in this section, unless by a showing of  
17 gross negligence or willfulness.

18 SEC. 3. Section 6254.24 of the Government Code is amended  
19 to read:

20 6254.24. As used in this chapter, "public safety official"  
21 means any of the following:

22 (a) An active or retired peace officer as defined in Sections  
23 830 and 830.1 of the Penal Code.

24 (b) An active or retired public officer or other person listed in  
25 Sections 1808.2 and 1808.6 of the Vehicle Code.

26 (c) An "elected or appointed official" as defined in subdivision  
27 (c) of Section 6254.21.

28 (d) Attorneys employed by the Department of Justice, the  
29 State Public Defender, a county office of the district attorney or  
30 public defender, the United States Attorney, or the Federal Public  
31 Defender.

32 (e) City attorneys and attorneys who represent cities in  
33 criminal matters.

34 (f) Specified employees of the Department of Corrections, the  
35 California Youth Authority, and the Prison Industry Authority  
36 who supervise inmates or are required to have a prisoner in their  
37 care or custody.

38 (g) Nonsworn employees who supervise inmates in a city  
39 police department, a county sheriff's office, the Department of

1 the California Highway Patrol, federal, state, and local detention  
2 facilities, and local juvenile halls, camps, ranches, and homes.

3 (h) Federal prosecutors and criminal investigators and  
4 National Park Service Rangers working in California.

5 (i) The surviving spouse or child of a peace officer defined in  
6 Section 830 of the Penal Code, if the peace officer died in the  
7 line of duty.

8 (j) State and federal judges and court commissioners.

9 ~~SEC. 4. No reimbursement is required by Section 3 of this act  
10 pursuant to Section 6 of Article XIII B of the California  
11 Constitution for certain costs that may be incurred by a local  
12 agency or school district because, in that regard, this act creates a  
13 new crime or infraction, eliminates a crime or infraction, or  
14 changes the penalty for a crime or infraction, within the meaning  
15 of Section 17556 of the Government Code, or changes the  
16 definition of a crime within the meaning of Section 6 of Article  
17 XIII B of the California Constitution.~~

18 ~~However, if the Commission on State Mandates determines  
19 that this act contains other costs mandated by the state,  
20 reimbursement to local agencies and school districts for those  
21 costs shall be made pursuant to Part 7 (commencing with Section  
22 17500) of Division 4 of Title 2 of the Government Code.~~

23 ~~SEC. 4. No reimbursement is required by this act pursuant to  
24 Section 6 of Article XIII B of the California Constitution because  
25 the only costs that may be incurred by a local agency or school  
26 district will be incurred because this act creates a new crime or  
27 infraction, eliminates a crime or infraction, or changes the  
28 penalty for a crime or infraction, within the meaning of Section  
29 17556 of the Government Code, or changes the definition of a  
30 crime within the meaning of Section 6 of Article XIII B of the  
31 California Constitution.~~